IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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C.R. No.5010 of 2007
Date of Decision:01.10.2007

Murari Lal

.....Petitioner

Vs.

Smt. Kishna Devi and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BINDAL

Present:- Mr. Sanjay Mittal, Advocate for the petitioner.

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Rajesh Bindal, J.

The challenge in the present petition is to the order dated 18.8.2007 passed by the Additional Civil Judge (Senior Division), Kosli whereby the application filed by the petitioner/defendant for leading additional evidence was dismissed.

After hearing learned counsel for the petitioner, I do not find any merit in the petition for the reason that in a suit where the challenge is to the sale deed dated 6.12.1995, the respondents closed their evidence voluntarily on 7.6.2006 and petitioner/ defendant closed his evidence on 4.4.2007 with the statement by their counsel. It was thereafter the present application for leading additional evidence was filed seeking to produce the deed writer and clerk from the office of Sub-Registrar, Kosli. Once in the suit, the only challenge is to the sale deed, it was duty of the defendant to have produced his entire evidence defending the sale deed. Once the evidence has been closed by the statement of the counsel, nothing lies in the mouth of the petitioner/ defendant to move an application for additional evidence subsequently. The plea raised by the petitioner to the effect that amount of diet money of these witnesses was handed over to the counsel engaged by him at that time but he failed to do the needful also did not find favour with the Court below without there being any justification on record.

Accordingly, the present petition is dismissed.

October 01, 2007 **(RAJESH BINDAL)**
renu **JUDGE**

in there being any justification on record.